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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,145	07/26/2000	HIROMASA OHNO	106868	8067

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EXAMINER
CHRISTMAN, KATHLEEN M

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 06/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/626,145	Applicant(s) OHNO, HIROMASA	
	Examiner Kathleen M Christman	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05/21/02* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,22-45,48 and 51-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,22-45,48 and 51-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☒ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

In response to preliminary amendment filed 05/21/02, in this continuing prosecution application, claims 18-21, 46, 47, 49, and 50 have been cancelled. Claims 1-17, 22-45, 48, and newly added claims 51-53 are pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 23, 36, 26 and 27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The single means claim(i.e. information communication device), where a means recitation does not appear in combination with another recited element of means, is subject to undue breath rejection. In re Hyatt, 708 F.2d 712, 714-715,218 USPQ 195, 197 (Fed. Cir. 1983). The scope of the claimed information communication device, the only means in the claim, covers every conceivable structure for achieving the stated property (receiving information when the content of an educational training course is changed a notification of the change), is held non-enabling for the specification discloses at most only those known to the inventor.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "access receives" is unclear and of improper English. The examiner recommends, "an access is received" to overcome this rejection. Claims 2-17 are rejected for their incorporation of the above through their dependencies. The phrase "the aggregate result", in claim 1, lacks antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-5, 8-12, 15, 28-32, 35-38, 41-44, and 51-53, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (US 6,064,856). The broadly claimed structure can be interpreted as the educational system of Lee et al. Regarding claims 1 and 28, Lee et al discloses a system and method which contains, a trainee (student) terminal which is used for the purpose of providing training material to the user, a manager (teacher) terminal which includes means for reading training material and training results that have been correlated, a computer connected to both the student and teacher terminal, via a communication line, that correlates lecture information and lecture results, see

Figure 1. The ability for the system to recognize a manager (teacher) response is taught through the use of the teacher workstation. Through this station only the teacher may access the aggregated results, see col. 9: 30-37. Regarding claims 10 and 37, the system functions over a network, which inherently contains a server, web or otherwise, and of which the Internet is inherently. The system includes tests set in the training course for checking the level of understanding of the trainee and the lecture information includes progress information and results of the test, see Figure 3, claim 2 and 29. The system is additionally capable of determining an "appropriateness" level in that the program is capable of tailoring lecture content to the user's needs, claims 3 and 30, see col. 5: 19+. The computer contains means for analyzing the abilities of the users retention of the knowledge through tests, claims 4 and 31, the quiz results are sent back to the user of the system and training is provided on those areas that the user did not comprehend, claims 5 and 32, see col. 7: 19-26.

Regarding claims 8 and 35, there are a plurality of educational courses offered, each of which is divided into chapters, which are further divided into sections, and additionally have a quiz following each section and refusing allowing the user to take the next section without reaching a predetermined level of understanding (claims 9 and 36), see figure 10-13. The presentations are created as and displayed as audio-visual, which is inherently the same as a "multimedia presentation", claims 11, 12, and 38, see col. 6: 14-19. Regarding claims 15 and 41, the teacher is able to explicitly state what the training content for the student will include, see col. 9: 29-35. Claim 43 corresponds in scope to claim 41 and is rejected for the same reason. Claim 20 corresponds in scope to claim 15 and is rejected for the same reasons.

Claims 51-53 recite broader limitations of claims 1 and 28, and are rejected for the same reasons.

7. Claims 22-27, 45, 48, are rejected under 35 U.S.C. 102(e) as being anticipated by Ho et al (US 6213780 B1). 22-27, 45 and 48, the claims are general drawn to notifying either a user or a manager of changes made to training requirements, or training materials offered in the training system. Additionally, the claims are directed to allowing a manager of an employee change the required training for a trainee, if the manager has proper authorization. The invention Ho et al is drawn to a training management system for tracking employee training, allowing a company manager to change an employees job title or job

description (i.e. when the employee is promoted), if the manager has the proper authorization. Ho et al additionally includes a means for informing an employee that they require additionally training due to a change in job description. See figures 1-21; particularly figure 21.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 6, 7, 33 and 34, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. Lee et al discloses all aspects of the invention, as described above, with the exceptions of transmitting a "delay message" to both the trainee and the manager when the user falls behind by a predetermined amount of time (claims 6 and 33) and sending a "demand message" when the user has fallen behind by a certain number of days (claims 7 and 34). Lee et al does however, teach that a message is sent to the manager if the user is falling behind, see col. 6: 49-60. It would be an obvious modification to incorporate sending a notification to the user that they have fallen behind in a course. Additionally, changing the time from a matter of minutes or hours to days is considered a matter of design choice, since any training program may be easily modified from a short lecture length (1-2 hours) to a much longer training period (3-4 months) and vice versa.

10. Claims 13, 14, 39 and 40 are rejected under 35 U.S.C. 103(a) as being obvious over Lee et al in view of Faul (US 5860810). Lee et al teaches all aspects of the invention as shown above with reference to claims 1 and 28, but fails to teach the specific use of the system with the teaching of inspecting and

maintaining equipment (claims 13 and 39), and more particularly to maintaining equipment used in semi-conductor manufacturing (claims 14 and 40). Faul teaches a system which is designed to show the specific steps for a user to take when performing maintenance on a piece of equipment, see col. 2:32-34. Faul teaches the use of the system for training procedures in col. 20: 21-23. Faul does not teach the specifics of the computer system that the invention is implemented on, but states "such computer systems are well-known in the art for other uses". The system of Lee et al is one such system. As such it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the training programs taught by Faul through the system taught by Lee et al.

Response to Arguments

11. Applicant's arguments filed 05/21/02 have been fully considered but they are not persuasive. The examiner believes that a response to all the arguments has been addressed in the rejections above. The prior rejections made with Bullen have been withdrawn. The applicant has added the limitation of recognition of an input from a manager to several of the independent claims. The examiner has shown this teaching in both the Lee at al and Ho et al patents as noted above. The examiner also noted that a "login" procedure is a well-known practice in the art. The Richard et al patents (US 6162060 and 61494138) both teach in great detail the use of permissions, course assignment, course authoring and updating, and course delivery methods. The applicant is advised to review these patent prior to responding to this action. Further, the Faul patent teaches that computer based training systems are convenient when it is necessary to update materials. The Hitchcock patent cited in the preivious action also teaches this.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Richard et al (US 6149438) teaches a distributed educational system in which courses may be updated, and users are made aware of changes in the system

b. Golenski (US 5147206) teaches an educational system including a separate manager station for teaches a user how to perform maintenance on a vehicle engine

c. Siefert (US 5810605) teaches an educational system based on a repository type structure

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Kathleen M. Christman
Patent Examiner
June 20, 2002

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